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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LAWRENCE E. SCHWIGER,)	
)	
Petitioner,)	3:09-cv-0454-LRH-VPC
)	
vs.)	ORDER
)	
JACK PALMER, <i>et al.</i> ,)	
)	
Respondents.)	
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Petitioner, Lawrence Schwiger, a Nevada prisoner, represented by counsel, has filed a Motion to Stay and Abey Proceedings. (ECF No. 42.) The motion is unopposed.

Petitioner’s federal habeas proceedings were initiated by the filing of a pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in case number 3:07-cv-00382-LRH-RAM, which was ultimately dismissed without prejudice as unexhausted. Petitioner’s history with this Court is somewhat complex and need not be repeated here in its entirety. Suffice it to note that petitioner’s motion to reopen that matter was filed by counsel after he had filed his pro se petition in this case and counsel was appointed to assist him. *See* CR-18.¹ The motion was denied and petitioner has appealed the dismissal and denial of motion to reopen in that matter. Petitioner’s motion to stay and abey these proceedings is couched in terms of a desire to conserve judicial resources, as the outcome of the appeal in the 2007 matter may moot the instant proceedings. Respondents have not opposed

¹ The docket entry numbers in the 2007 case are identified as CR and the entry number (e.g., CR-18). The docket entry numbers in the instant case are identified as ECF No., followed by the docket number.

1 the motion, apparently conceding to the basis of the request. LR 7-2. Good cause appearing,

2 **IT IS THEREFORE ORDERED** that petitioner's unopposed Motion to Stay and Abey the
3 Proceedings (ECF No. 42) is **GRANTED**. The matter shall be stayed. The Clerk shall close this
4 matter without entering judgment. Petitioner shall have thirty days after the conclusion of his
5 appellate proceedings in case number 3:07-cv-00382-LRH-RAM, to move to reopen the matter or
6 file notice of voluntary dismissal, including a copy of the decision of the Court of Appeals. Failure
7 to comply with this order will result in dismissal of the action with prejudice.

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9 DATED this 5th day of April, 2011.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE